IN THE UNITED STATES DISTRICT COURT	
FOR THE DISTRICT OF NEW MEXICO	

STATE OF NEW MEXICO on the relation of State Engineer,	)	25 (CD + 1 GY to )
Plaintiff,	)	60 m 07041 PD ACE
-V-	)	69cv07941-BB-ACE
RAMON ARAGON et al.,	)	RIO CHAMA STREAM SYSTEN
Defendants.	)	Sections 3 & 7

## ASSOCIACIÓN DE ACÉQUIAS NORTEÑAS DE RIO ARRIBA'S STATEMENT OF ISSUES REGARDING THE APPLICABILITY OF THE TREATY OF GUADALUPE HIDALGO AND/OR RELATED AUTHORITY TO WATER RIGHTS IN SECTIONS 3 AND 7

THIS STATEMENT is filed pursuant to Paragraph B of the Order Amending Priorities

Adjudication Schedule for Sections 3 and 7 ("Order"), entered by the Special Master on February

21, 2006, which requires identification of issues regarding the applicability of the Treaty of

Guadalupe Hidalgo to water rights in Sections 3 and 7 of this cause.

Paragraph B of the Order further provides that "[a] process, and if necessary a briefing schedule, to resolve the issues shall be set at the following status and scheduling conference".

Order, at 2 (emphasis added).

The Associación de Acéquias Norteñas de Rio Arriba ("Acequias") has identified the following issues to which Treaty of Guadalupe Hidalgo applies, either directly or indirectly, i.e., through other legal authority applicable to pre-1907 water rights.

1. Whether the Acequias may gain legal recognition to maintain customs and practices implementing a *repartimiento* system of equitable distribution of water, as opposed to strict priority; and whether Acequias maintaining such customs and



practices are protected against priority administration by the State, or the establishment of a Water District or Water Master, or the application of any State regulations pertaining to priority administration or active water resource management;

- Whether all of the Acequias, prior to the entry of a final decree in this cause, are protected against priority administration by the State, or the establishment of a Water District or Water Master, or the application of any State regulations pertaining to priority administration or active water resource management;
- 3. Whether the water rights of the Acequias are subject to the regulatory or administrative jurisdiction of the State prior to entry of a final decree in this cause;
- 4. Whether the Acequias are subject to state-ordered metering prior to entry of a final decree in this cause;
- 5. Whether the Acequias are subject to a reduction in diversion amount below their historical diversion amount;
- 6. Whether the Acequias are subject to state-law forfeiture and abandonment for periods of non-use prior to entry of a final decree in this cause;

Respectfully submitted,

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